THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.24559 of 2007

Between:

Ravi Mutyala Rao and another.

.. PETITIONERS

and

The Revenue Divisional Officer and others.

.. RESPONDENTS

THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.No.24559 of 2007

ORDER:

This writ petition has been filed seeking a Writ of Mandamus to direct the 1st respondent not to proceed with Appeal No.4632 of 2006 on the ground that O.S.No.209 of 2006 is pending on the file of Senior Civil Judge, Gajuwaka.

It is the case of the petitioners that against grant of pattadar pass books and title deeds in their favour in respect of the land admeasuring Ac.0-28½ cents each in Sy.Nos.23/1, 23/8 and 23/15 of Aganampudi village, Gajuwaka Mandal, Visakhapatnam District, the 3rd respondent filed an appeal before the 1st respondent.

The contention of the learned counsel appearing for the petitioners that the Appellate Authority cannot proceed with the appeal filed under Section 5(5) of A.P.Rights in Land and Pattadar Pass Books Act, 1971, against grant of pattadar pass books and title deeds in favour of the petitioners, cannot be accepted, as the Appellate Authority is empowered to consider the legality and validity in granting pattadar pass books and title deeds in favour of the petitioners.

However, as the appeal is pending, I am of the opinion that it is open for the petitioners to take any defence and advance arguments before the Appellate Authority itself. Therefore, I do not see any merits in the writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. There shall be no order as to costs.

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20-11-2007

Prv